

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Bail Appl. No.2389 of 2024

Cr. Bail. Appl. No.27 of 2025

Date	Order with signature of the Judge
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**20.01.2025**

Mr. Zeeshan Ahmed, advocate for applicant in Cr. B.A.2389/2024.

Ms. Farzana Abbasi, advocate for applicant in Cr. B.A. 27/2025.

Mr. Gul Faraz Khattak, Assistant Attorney General

Mr. Abdul Hameed, advocate for complainant.

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** These applications filed for post arrest bail are disposed of by this common order as the facts involved are identical. According to which, complainant, different in each FIR, lodged a complaint with FIA stating that he found online that some persons with different names were operating different WhatsApp groups through which they were disseminating/ displaying blasphemous material i.e. images/sketches, graphics, pictures and videos on social media, violating honour and respect of Almighty Allah, Holy prophet Muhammad (PBUH), holy book Quran, Sahaba kiram. When he joined the group, such material was also sent to him, which alarmed him, hence he filed the complaint.

2. Each complainant as a proof submitted to FIA different mobile phone numbers with their complaint from which such content was being spread, uploaded and transmitted to different users of mobile phones. Apart from citing said numbers, complainants also submitted screen shots of the blasphemous material for a probe.

3. Pursuant to preliminary enquiry, FIRs were registered and applicants were arrested. The applicants are in jail since 14/15 months and the Challans have been submitted in the relevant court u/s 9,10, and 11 of Prevention of Electronic Crimes Act, 2016 (PECA) r/w section 295-A, 295-B, 295-C, 298-A, 34 PPC. It appears that these kinds of FIRs were also registered in the past by the FIA and accused were arrested, some of whom landed up before this court in bail applications and were granted bail.

4. Learned defence counsel while pleading for bail in these cases have relied upon such orders granting bail to the accused in identical cases viz. Cr. Bail Appl. No.2264/2023 on 22.12.2023 and other order passed in Cr. Bail Appl. No.2752 of 2023 and others on 05.06.2024.

5. On the other hand, counsel for complainant and learned Assistant Attorney General have opposed bail to the applicants stating that the applicants are involved in the heinous offence whereby sentiments of Muslims have been breached; they were arrested alongwith evidence in shape of mobile phones and sims which they were using for operating WhatsApp groups involved in uploading/transmitting and spreading blasphemous contents against Holy personalities of Islam, hence they are not entitled to concession of bail. Learned Assistant Attorney General has also opposed bail.

6. I have considered submissions of the parties and perused material available on record. The orders passed in earlier bail applications reflect that alleged recovery of mobile phones from the applicants were not subjected to a Forensic examination by a third party. On the contrary, the entire case was based on examination of the digital equipment by technical staff of FIA at their own office which was considered a sufficient ground for bail. In the present case, the same position is obtaining. Authenticity and genuineness of material allegedly recovered from the applicants in the circumstances is yet to stand test of the trial. Further, evidence against applicants is based on documents and recovery of mobile phones and sims, which is in possession of prosecution, hence there is no chance of applicants tampering with such evidence. Next, the original source editing such posts and sending the same to the applicants and others has not been identified by the FIA yet. The investigation is limited to only recovery of alleged mobile phones from the applicants and no concern has been shown by FIA to unearth the relevant elements entrapping the youths and spreading such material or the conspiracy behind it. The cases have been challaned and applicants are no more required for further investigation. In previous bail applications, on identical facts and grounds, the right of applicants to the bail was admitted by this court, hence rule of consistency seems to be applicable in these cases also.

7. In view of above, applicants are entitled to bail. These applications are allowed and applicants are granted bail in the sum of Rs.200,000/- and P.R bond in the same amount to the satisfaction of the trial court.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail applications are disposed of.

Office to place a copy of this order in connected bail application.

**J U D G E**